S.B.Civil Contempt Petition No.7/2001.

Dhanna Ram.
vs.
Mohan Lal and others.

Date : 28.5.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.M Shishodia, for the petitioner.
Mr.BL Choudhary, for the respondents.

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Heard learned counsel for the parties.

The interim order was passed by this Court in S.B.Civil Second Appeal No.190/1998 on 3.2.1999 by which the respondents were restrained from interfering with the possession of the appellant over the land in dispute till further orders.

The petitioner has submitted this contempt petition under Section 12 of the Contempt of Courts Act read with Order 39 Rule 2A CPC alleging that respondent no.1 Mohan Lal, who was elected Sarpanch in the year 1999 and had knowledge of the interim order, cremated dead body of one Rawat Ram in the appellant's property

in dispute on 6.1.2001 for which a F.I.R. was lodged by him on 7.1.2001.

It appears from the office report dated 26.10.2002 that the respondent no.1 was also served with the notice of the contempt petition.

It appears from the facts of the case that it is in fact an application under Order 39 Rules 1 and 2 CPC and the allegations levelled are vague as in last six years, what happened to the appellant's criminal case has not been brought on record.

In view of the above reasons and looking to the peculiar fact that the respondent no.1 was Sarpanch of the Gram Panchayat at the relevant time only, he cannot be held responsible for disobeying the order without any cogent reason of violation of the order, I do not find any merit in this contempt petition.

Consequently, this contempt petition is dismissed. Notices are discharged.

(PRAKASH TATIA), J.

S.Phophaliya